

REMARKS

The applicant notes that Claims 52 to 62, 64 to 66 and 68 to 71 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the disclosure of Worley et al. et al. in Patent Application Publication No. US 2004/0019359 A1 (“Worley et al. et al.”).

It is respectfully submitted that the rejection of Claim 52 is incorrectly made. Worley et al. fails to disclose or suggest an elongated guide wire for use in a surgical or other procedure, which includes all the features of the guide wire as claimed in Claim 52 (claim language emphasized). Worley et al. fails to disclose or suggest any other instrument for accessing a remote site.

To summarize, Worley et al. et al. discloses an introducer system which comprises three telescoping members, namely, an outer telescoping element 16, an inner telescoping core 12 and an inner telescoping element or guide 14. The inner telescoping core 12 telescopes into the inner telescoping element or guide 14, which in turn telescopes into the outer telescoping element 16. The outer telescoping element 16 has a pre-induced curvature 17 on its distal end. The inner telescoping core 12 is pre-biased at 21 and 19' towards its distal end so that when unconstrained, the inner telescoping core 12 takes up the curvatures 21 and 19' illustrated in Fig. 1B. However, when the inner telescoping core 12 is withdrawn into the inner telescoping element or guide 14 and in turn into the outer telescoping element 16, the inner telescoping core 12 is constrained by the outer telescoping element 16 to conform to the pre-induced curvature 17 of the outer telescoping element 16 as illustrated in Fig. 1A. However, once the inner telescoping core 12 is extended outwardly of the outer telescoping element 16, the pre-induced bias results in the inner telescoping core 12 assuming the curvature 21 as illustrated in Fig. 1B, and further urging of the inner telescoping core 12 outwardly from the outer telescoping element 16 results in the pre-bias in the portion 19' of the inner core 12 assuming the curvature 19' as illustrated in Fig. 1B.

To operate the inducer system of Worley et al., the distal ends of the telescoping members 12, 14 and 16 must be entirely free to move relative to each other. Furthermore, the telescoping elements of Worley et al. must be free to move relative to each other over their entire length, and in particular, at their respective distal ends. In summary, Worley et al. achieves different curvatures at the distal end of his introducer system by urging the inner telescoping core

12 outwardly of the inner telescoping elongated element or guide 14, which in turn is urged outwardly of the outer telescoping element 16.

There is no disclosure, nor is there any suggestion in the disclosure of Worley et al. et al. of any of the elements of the introducer system of Worley et al. et al. being coupled to each other adjacent their distal ends to provide a guide wire as is required by Claim 52. In fact, the introducer system of Worley et al. et al. requires the elements of its introducer system to be entirely free and unconnected at their distal ends, so that the respective elements can be telescoped into and out of each other.

Accordingly, Worley et al. entirely fails to disclose a guide wire or any other instrument which includes all the features of Claim 52, and in particular, the feature of the guide wire comprising an elongated curvature inducing first member and an elongated curvature inducing second member secured to each other adjacent their distal ends. There is no disclosure, nor is there any suggestion in Worley et al. of any of the elements 12, 14 and 16 being coupled to each other adjacent their distal ends. In fact, as discussed above, quite the contrary is the case, since without the elements 12, 14 and 16 being moveable relative to each other over their entire length and in particular adjacent their distal ends, the introducer system of Worley et al. could not operate.

Additionally, it is respectfully submitted that not only does Worley et al. fail to disclose or suggest a guide wire which includes all the features of the revised Claim 52, but none of the other prior art documents disclose or suggest such a guide wire.

Accordingly, it is respectfully submitted that the invention of Claim 52 is novel and not obvious, and thus Claim 52 should be allowable, and allowance is respectfully requested.

Claim 68 is directed towards a combination of a catheter and a guide wire (claim language emphasized). Claim 68 now claims the elongated curvature inducing first member and the elongated curvature inducing second member as being coupled to each other adjacent their distal ends. Since the guide wire of Claim 68 includes all the features of the guide wire as claimed in Claim 52, it is respectfully submitted that similar comments apply to Claim 68 as apply to Claim 52. It is respectfully submitted that the invention of Claim 68 is novel and not obvious, and Claim 68 should be allowable, and allowance is respectfully requested.

Independent method Claim 69, is directed towards a method for forming an elongated guide wire. Its elongated curvature inducing first member and the elongated curvature inducing second member as being coupled to each other adjacent their distal ends. The structural elements of method claim 69 are similar to the structural elements of device claim 52. It is respectfully submitted that similar comments apply to Claim 69 as apply to Claim 52. It is therefore respectfully submitted that the invention of Claim 69 is novel and not obvious, and Claim 69 should be allowable, and allowance is respectfully requested.

Claims 53 to 66 are dependent either directly or indirectly on Claim 52. Claim 52 should now be allowable, it is respectfully submitted that Claims 53 to 66 should similarly be allowable and allowance is respectfully requested.

Claims 70 and 71 are directly dependent on Claim 69. Since Claim 69 should now be allowable, it is respectfully submitted that Claims 70 and 71 should likewise be allowable, and allowance is respectfully requested.

Clarifying new claims 72 and 73 have been added. Claim 72 is based upon pending claim 69 while claim 73 is based upon claim 71. No new matter has been added.

In view of the revisions which have been made to the claims and the above comments, it is respectfully submitted that the Application should now be in order for allowance, and allowance is respectfully requested.

Dated: November 4, 2009



Grady J. Frenchick
Registration No. 29,018

P.O. ADDRESS:

WHYTE HIRSCHBOECK DUDEK S.C.
33 East Main Street, Suite 300
Madison, Wisconsin 53703
(608) 255-4440
Customer No. 56080